

TTAB

UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: January 29, 2007

Bentley Lingerie, Inc.
234 Sixteenth Street,
Jersey City, NJ 07302
UNITED STATES

Cancellation No. 92046984
Reg. No. 1445285

Stephen J. Strauss
Fulwider Patton LLP
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045

Jason Hawes and Grant Wilson d/b/a
The Atlantic Paranormal Society

v.

BENTLEY LINGERIE, INC.



02-12-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

Vionette Baez, Paralegal Specialist:

A petition, a copy of which is attached, has been filed to
cancel the above-identified registration.

Proceedings will be conducted in accordance with the
Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on
Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark
Rules of Practice, set forth in Title 37, part 2, of the Code of
Federal Regulations. The parties are reminded of the recent
amendments to the Trademark Rules that affect the rules of
practice before the TTAB. See Rules of Practice for Trademark-
Related Filings Under the Madrid Protocol Implementation Act, 68
Fed. R. 55,748 (September 26, 2003) (effective November 2,

2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	2/18/2007
Discovery period to close:	8/17/2007
30-day testimony period for party in position of plaintiff to close:	11/15/2007
30-day testimony period for party in position of defendant to close:	1/14/2008
15-day rebuttal testimony period for plaintiff to close:	2/28/2008

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the

Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number: **ESTTA121431**

Filing date: **01/24/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following parties request to cancel indicated registration.

Petitioner Information

Name	JasonHawes		
Entity	Individual	Citizenship	UNITED STATES
Address	c/o Hotchkiss & Associates 611 Broadway, Suite 741 New York, NY 10012 UNITED STATES		

Name	GrantWilson		
Entity	Individual	Citizenship	UNITED STATES
Address	c/o Hotchkiss & Associates 611 Broadway, Suite 741 New York, NY 10012 UNITED STATES		

Attorney information	Stephen J. Strauss, Esq. Fulwider Patton LLP 6060 Center Drive Tenth Floor Los Angeles, CA 90045 UNITED STATES docketla@fulpat.com Phone:310-824-5555
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Registration Subject to Cancellation

Registration No	1445285	Registration date	06/30/1987
Registrant	BENTLEY LINGERIE, INC. 234 SIXTEENTH STREET JERSEY CITY, NJ 07302 UNITED STATES		
Goods/Services Subject to Cancellation	Class 025. First Use: 1983/00/00 , First Use In Commerce: 1983/00/00 Goods/Services: LADIES CLOTHING, NAMELY, PAJAMAS, NIGHT SHIRTS, TOPS AND UNDERWEAR		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	pilgram v lingerie.pdf (3 pages)(100606 bytes)
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Signature	/Stephen J. Strauss/
Name	Stephen J. Strauss, Esq.
Date	01/24/2007

I hereby certify that this correspondence is being deposited with the United States Postal Service as electronic filing at www.uspto.gov.

By

Andrea L. Harvey

Date Mailed

1/24/04

In the Matter of: Registration No. 1,445,285

Date of Issue: June 30, 1987

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JASON HAWES and GRANT WILSON
D/B/A THE ATLANTIC PARANORMAL
SOCIETY,

Petitioners,

v.

BENTLEY LINGERIE, INC.,

Registrant.

Cancellation No.:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Jason Hawes and Grant Wilson, United States citizens doing business as The Atlantic Paranormal Society, having an address at Hotchkiss & Associates, Inc., 611 Broadway, Suite 741, New York, New York 10012, believes that they will be damaged by Registration No. 1,445,285 and hereby petitions to cancel same.

As grounds for this petition, it is alleged upon information and belief that:

1. The Registrant has obtained United States Trademark Registration No. 1,445,285 for the mark TAPS for "ladies clothing, namely, pajamas, night shirts, tops

and underwear" in International Class 25, issued on June 30, 1987. The Registration claims a date of first use of 1983.

2. Upon information and belief, Registrant has completely abandoned all use of the mark TAPS in connection with the goods, identified in paragraph 1 above, in the United States and/or commerce with the United States.

3. Petitioners filed trademark applications with the United States Patent and Trademark Office on January 3 and 24, 2006 (Application Serial Nos. 78/784,393 and 78/798,611) covering the marks TAPS and TAPS (Stylized) for "men's, women's and children's clothing, namely, shirts, t-shirts, polo shirts, jackets, sweatshirts, hooded sweatshirts, fleece pullovers, rompers; and headgear, namely, hats, caps and beanies " in International Class 25.

4. The goods identified in the TAPS registration are related to the Class 25 goods which Petitioners have applied for in their trademark applications for the marks TAPS and TAPS (Stylized) and are therefore in potential conflict among each other.

5. If the Registrant is permitted to retain the registration herein sought to be canceled and thereby retain the prima facie exclusive right to use the TAPS mark for goods of the same descriptive properties as the Class 25 goods offered and sold by Petitioners, Registrant will be in the position to cause annoyance and to harass Petitioners in selling their said goods in spite of the fact that Registrant has abandoned use of said mark in its business.

6. Petitioners believe and therefore aver and charge that by reason of their use and applications of the TAPS and TAPS (Stylized) marks as aforesaid, they are entitled to exclusiveness in these marks, specially since Registrant has abandoned all use of its TAPS mark for the clothing goods identified in paragraph 1 above.

7. Upon information and belief, Petitioners allege that Registrant has completely abandoned all use of the TAPS mark and has no intention of any kind of reviving use of the mark in its business.

8. The continued existence of the TAPS registration casts a cloud upon Petitioners' right to use and register the TAPS and TAPS (Stylized) marks in the United States. Such registration would thus be a source of damage and injury to Petitioners.

9. A duplicate copy of this Petition and the fee required in § 2.6(a)(16) is enclosed herein.

WHEREFORE, Petitioners pray that Registration No. 1,445,285 be canceled and that this Petition for Cancellation be sustained in favor of Petitioners.

Respectfully submitted,

JASON HAWES and GRANT WILSON D/B/A THE
ATLANTIC PARANORMAL SOCIETY

Dated: 1/24, 2007

By: _____

Their Counsel
Stephen J. Strauss
FULWIDER PATTON LLP
6060 Center Drive, Tenth Floor
Los Angeles, California 90045
(310) 824-5555

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ORGANIZATION